

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARLO COPETTI, MARTIN FLEUSTER
and FRANCISCUS SANDERS

Appeal No. 2004-0022
Application No. 09/734,807

ON BRIEF

Before KIMLIN, GARRIS and PAK, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-5.

Claim 1 is illustrative:

1. A module provided with a thin-film circuit on a substrate (1) of an insulating material which comprises at least one passive component having at least a first (2) and a second (4) electrically conducting layer and a dielectric (3), and in which at least one electrically conducting layer (2, 4) has a structured surface with recesses,

a protective layer (5), and

Appeal No. 2004-0022
Application No. 09/734,807

at least one contact hole (6) which passes through the module and

a structured metallization which covers the module and the contact hole (6)

The examiner relies upon the following references as evidence of obviousness:

Lewis	1,580,057	Apr. 6, 1926
Ohyama et al. (Ohyama)	4,437,140	Mar. 13, 1984
Guertin	4,470,096	Sep. 4, 1984
Pedder	5,604,658	Feb. 18, 1997
McMillan et al. (McMillan)	6,297,458	Oct. 2, 2001 (Feb. 11, 1997)

Appellants' claimed invention is directed to a module having a thin-film circuit on an insulating substrate. The module includes a passive component having at least a first and second electrically conducting layer and a dielectric layer, wherein at least one of the conducting layers has a structured surface with recesses. The recesses "have the result that the passive component is composed of various capacitors connected in parallel," which result in the capacitance of the passive component being equal to the sum of the capacitance values of the parallel capacitors (page 2 of Brief, last paragraph).

Appealed claim 1 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ohyama in view Guertin. Claims 2 and 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ohyama in view of Guertin and Lewis, whereas claim 4 stands

Appeal No. 2004-0022
Application No. 09/734,807

rejected under § 103 as being unpatentable over the combination of Ohyama and Guertin further in view of Nomura. In addition, claim 5 stands rejected under § 103 as being unpatentable over Ohyama in view of Guertin, Pedder and McMillan.

Appellants submit at page 4 of the Brief that "[w]ith regard to the rejection of Claims 1-5 under 35 U.S.C. § 103, the claims stand or fall together." Accordingly, since appellants provide substantive arguments only for the examiner's rejection of claim 1 over the combined teachings of Ohyama and Guertin, all the appealed claims stand or fall together with claim 1, and we will limit our consideration to the examiner's rejection of claim 1.

We have thoroughly reviewed each of appellants' arguments for patentability. However, we are in complete agreement with the examiner that the claimed subject matter would have been prima facie obvious to one of ordinary skill in the art within the meaning of § 103 in view of the applied prior art. Accordingly, we will sustain the examiner's rejections for essentially those reasons expressed in the Answer, and we add the following primarily for emphasis.

Appellants do not dispute the examiner's factual determination that Ohyama discloses a module provided with a

thin-film circuit having all the features recited in claim 1 on appeal, with the exception that at least one of the electrically conducting layers has a structured surface with recesses.

However, we agree with the examiner that Guertin establishes that it was known in the art to employ such electrically conducting layers having recesses of the type presently claimed.

Accordingly, we find no fault in the examiner's rationale that it would have been obvious for one of ordinary skill in the art to utilize recesses in the electrically conducting layer of Ohyama for the purpose of adjusting the capacitance. We note that appellants have not refuted the examiner's finding that "Guertin discloses a capacitor formed of two conductive layers (16, 18a) with a dielectric (15) therebetween wherein at least one of the layers has a [sic] trimmable recesses (Figure 1) to adjust the capacitance" (sentence bridging pages 7 and 8 of Answer). Nor have appellants rebutted the examiner's reasoning that one of ordinary skill in the art "would have been motivated to have one of the layers of Ohyama included [sic, including] trimmable recesses to enable adjustment of the capacitor" (page 8 of Answer, first paragraph).

Rather than address the examiner's rationale that it would have been obvious for one of ordinary skill in the art to form

recesses in the electrically conducting layers of Ohyama in order to adjust the capacitance, appellants contend that the combination of Ohyama and Guertin is inappropriate inasmuch as the conductor layers of Ohyama are printed and formed with a paste material, whereas the conducting layers of Guertin are formed with a screened ink-like substance. However, appellants fail to explain the specific difference between a paste material and an ink-like substance and, more importantly, why any such distinction would have militated against forming recesses in the conductor layers of Ohyama for the purpose of adjusting capacitance. While appellants maintain that "[o]ne of ordinary skill in the art would fail to recognize that the paste layers of Ohyama could include surfaces with recesses as in Guertin" (page 5 of Brief, penultimate paragraph), appellants fail to provide the requisite reasoning in support of this conclusion.

As a final point, we note that appellants base no argument upon objective evidence of nonobviousness, such as unexpected results.

In conclusion, based on the foregoing and the reasons set forth by the examiner, the examiner's decision rejecting the appealed claims is affirmed.

Appeal No. 2004-0022
Application No. 09/734,807

No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

AFFIRMED

EDWARD C. KIMLIN)	
Administrative Patent Judge)	
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BRADLEY R. GARRIS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
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CHUNG K. PAK)	
Administrative Patent Judge)	

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Appeal No. 2004-0022
Application No. 09/734,807

Philips Intellectual Property
& Standards
P.O. Box 3001
Briarcliff Manor, NY 10510